

BILL LOCKYER, Attorney General
of the State of California
BARRY D. LADENDORF, State Bar No. 52548
Deputy Attorney General
California Department of Justice
110 West "A" Street, Suite 1100
San Diego, CA 92101

P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2063
Facsimile: (619) 645-2061

Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Second Amended Accusation
and Petition to Revoke Probation Against:

LESLIE K. BENSON
426 Monterey Lane, #A
San Clemente, CA 92672

Physical Therapist License No. PT 15197

Respondent.

Case Nos. D1-1998-62206 (consolidated
with) 1D-2004-63769

**SECOND AMENDED ACCUSATION
AND PETITION TO REVOKE
PROBATION**

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Second Amended Accusation and Petition to Revoke Probation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about August 19, 1998, the Physical Therapy Board of California issued Physical Therapist License No. PT 15197 to Leslie K. Benson (Respondent). The license was in effect at all times relevant to the charges brought herein and expired on May 31, 2004, and has not been renewed. On or about March 3, 2002, an Interim Suspension Order was issued suspending Respondent from practicing physical therapy.

///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

3. In a disciplinary action entitled "In the Matter of the Accusation Against Leslie K. Benson," Case No. 1D 1998-62206, the Physical Therapy Board of California, issued a decision, effective October 5, 2000, in which Respondent's Physical Therapist License was revoked. However, the revocation was stayed and Respondent's license was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference. On or about March 3, 2002, an Interim Suspension Order was issued suspending Respondent from practicing physical therapy. (Exhibit B).

JURISDICTION

4. This Second Accusation and Petition to Revoke Probation is brought before the Physical Therapy Board of California (Board), under the authority of the following sections of the Business and Professions Code (Code).

5. Section 2609 of the Code states:

The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.

6. Section 2660 of the Code states:

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon, or issue subject to terms and conditions any license, certificate, or approval issued under this chapter for any of the following causes:

(d) Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.

(f) Habitual intemperance.

(g) Addiction to the excessive use of any habit-forming drug.

(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.

(j) The aiding or abetting of any person to violate this chapter or any regulations duly adopted under this chapter.

(l) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a physical therapist.

7. Section 2661 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense which substantially relates to the qualifications, functions, or duties of a physical therapist is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgement of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

8. Section 2239 of the Code states:

(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

9. Section 4022 of the Code states:

“Dangerous drug” or “dangerous device” means any drug or device unsafe for self-use, in human or animals, and includes the following:

(a) Any drug that bears the legend: “Caution, federal law prohibits dispensing without prescription,” “Rx only,” or words of similar import.

(c) Any other drug or device that federal or state law can be lawfully dispensed only on prescribed or furnished pursuant to Section 4006.

10. California Code of Regulations, title 16, section 1399.20, states:

For the purposes of denial, suspension or revocation of a license or approval, pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license or approval under the Physical Therapy Practice Act if to a substantial degree it evidences present or potential unfitness of a person to perform the functions authorized by the license or approval in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following:

(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Physical Therapy Practice Act.

///

1 (c) Violating or attempting to violate any provision or term of the
2 Medical Practice Act.

3 11. Benzodiazepines are Schedule IV controlled substances pursuant to Health
4 and Safety Code section 11057.

5 **COST RECOVERY**

6 12. Section 2661.5 of the Code states:

7 In any order issued in resolution of a disciplinary proceeding before the
8 board, the board may request the administrative law judge to direct any licensee
9 found guilty of unprofessional conduct to pay to the board a sum not to exceed the
10 actual and reasonable costs of the investigation and prosecution of the case.

11 **FIRST CAUSE FOR DISCIPLINE**

12 (Unlawful Practice of Physical Therapy)

13 13. Respondent is subject to disciplinary action under Code section 2660(i)
14 and (j), in that she engaged in the unlawful practice of physical therapy in violation of the interim
15 suspension order issued against Respondent's physical therapy license. The circumstances are as
16 follows:

17 A. In or around 2001, Respondent was hired as a physical
18 therapist by B.A., the former owner of Monarch Therapy Group, Inc.
19 ("Monarch"). Respondent was a contract employee assigned to work as a
20 physical therapist in various assisted living facilities and nursing homes and was
21 unsupervised while providing the physical therapy services. Respondent did not
22 inform her employer, B.A. (of Monarch), she was on probation with the Board.

23 B. In November 2002, Respondent's husband, M.G., was hired
24 by B.A. as the administrator of Monarch. M.G. was responsible for assigning
25 Respondent, and other therapists, to various facilities; insurance billing;
26 processing the payroll; and obtaining Medi-cal approval for the business. The
27 therapists submitted "Therapy Services Logs to M.G. and they would be paid
28 based upon the log. M.G. never allowed B.A. to see Respondent's personnel file even
though B.A. asked him several times for the file. M.G. was very protective of

1 Respondent's patients and did not want anyone else to care for them.

2 B. On March 3, 2002, an Interim Suspension Order was issued
3 suspending Respondent's physical therapy license. Respondent did not inform
4 B.A. that her license was suspended.

5 C. On or about August 14, 2003, G.C. acquired Monarch
6 Therapy Group, Inc ("Monarch") and is the Chief Executive Officer. (G.C.
7 changed the name of Monarch to Laguna Woods Rehabilitation Center.) G.C.
8 researched the Board's website and found that Respondent's license was under an
9 Interim Suspension Order. G.C. did not inform Respondent or M.G. that she was
10 aware of the ISO against Respondent. G.C. asked M.G. for Respondent's
11 personnel file and M.G. stated he had taken it home and would return it, but he
12 never did. G.C. asked M.G. several times for Respondent's file but he never
13 allowed her to see it. On or about December 31, 2003, M.G. resigned from
14 Monarch. Respondent resigned from Monarch on January 5, 2004. On or about
15 February 2, 2004, the Board received a complaint letter from G.C. stating
16 Respondent was providing physical therapy services while her license was
17 suspended, and Respondent was compensated for her physical therapy services.

18 D. A review of the accounting information indicated that
19 Respondent worked as a physical therapist while her licensed was suspended.
20 Respondent received \$67,056.75 for physical therapy services during the period of
21 November 5, 2002 through July 8, 2003. In October 2003, Respondent received
22 \$8,926.50 for providing physical therapy services in July and August 2003.
23 Respondent received a total of \$75,983.25 for providing physical therapy services
24 during the period of November 2002 through August 2003. The following are the
25 canceled check numbers made payable to Respondent by Monarch for physical
26 therapy services she provided when her license was suspended:

27 ///

28 ///

1	<u>Check No.</u>	<u>Date</u>	<u>Amount</u>
2	9828	November 5, 2002	\$7,061.25
	9871	December 14, 2002	\$7,321.50
3	9907	January 15, 2003	\$7,830.00
	10055	February 10, 2003	\$7,682.00
4	10103	March 18, 2003	\$9,464.50
	10180	April 21, 2003	\$9,579.00
5	10211	May 16, 2003	\$9,311.00
	10235	June 11, 2003	\$7,218.00
6	10257	July 8, 2003	\$1,589.50
	1027	October 1, 2003	\$4,812.50
7	1066	October 31, 2003	\$4,114.50

8 **SECOND CAUSE FOR DISCIPLINE**

9 (Dishonest Acts)

10 14. Respondent is further subject to disciplinary action under Code sections
 11 2660(;) and 2660(i), in that she committed dishonest acts when she practiced physical therapy
 12 while her license was suspended, as more particularly described in paragraph 13, above, which is
 13 incorporated herein in its entirety.

14 **THIRD CAUSE FOR DISCIPLINE**

15 (Conviction of Crimes)

16 15. Respondent is further subject to disciplinary action under Code sections
 17 2660(d), 2660(i), and 2661, in that she was convicted of crimes substantially related to the
 18 qualifications, functions, or duties of a physical therapist. The circumstances are as follows:

19 **December 4, 2001 conviction from November 25, 2001 arrest**

20 A. On or about November 25, 2001, the Orange County
 21 Sheriff's Department responded to a domestic violence call involving respondent
 22 and her boyfriend, M.G. Respondent yelled profanity at M.G., and when he
 23 walked outside the apartment to avoid a confrontation, respondent followed him
 24 and punched him on his upper back six times. He called the sheriff's department,
 25 and respondent ran down the street. Respondent was subsequently arrested. She
 26 yelled at the top of her lungs, refused to comply, she had to be physically
 27 restrained to get her handcuffed. The deputy also had to hobble her legs because
 28 she was kicking the back of the patrol unit and the doors. Once she was

1 transported to the sub-station, respondent continued to yell for 45 minutes. The
2 officer noted that both respondent and M.G. displayed symptoms of alcohol
3 intoxication with respondent obviously more intoxicated.

4 B. On or about November 27, 2001, a complaint was filed in
5 Superior Court of California, County of Orange, Harbor Justice Center, Laguna
6 Niguel Facility, entitled *The People of the State of California v. Leslie Karen*
7 *Benson aka Leslie Benson*, Case No. SH01SM05631, charging respondent with
8 Count 1 - violating Penal Code section 243(e)(1) [battery against spouse,
9 cohabitant, or other person].

10 C. On or about December 4, 2001, respondent pleaded guilty
11 and was convicted of Count 1 - violating Penal Code section 243(e)(1). The
12 imposition of sentence was suspended and respondent was placed on formal
13 probation for a period of three (3) years with terms and conditions.

14 **December 4, 2001 conviction from October 3, 2001 arrest**

15 D. On or about October 3, 2001, the Orange County Sheriff's
16 Department responded to a Domestic Violence call involving respondent and her
17 boyfriend, M.G.. M.G. told the deputy that he and respondent had been drinking
18 and started to argue. Respondent became enraged and pushed, hit and scratched
19 M.G. He had reddening to his right lower rib cage and a few minor abrasions to
20 his right inner bicep. The deputy found respondent hiding in the bedroom and she
21 had disrobed. She was extremely belligerent, evasive, and drunk. When the
22 deputy started to question respondent, she ordered the deputies out of her house
23 and ranted "This is bullshit! This is all bullshit! Get the fuck out of my house!"
24 Respondent refused to cooperate. When M.G. wanted to leave to avoid further
25 conflict with respondent, respondent continued to taunt him and entice a further
26 argument with him. Respondent attempted to push the deputies out of the way
27 and became combative. She refused to be handcuffed and struggled with the

28 ///

1 deputies while being arrested. Throughout the booking process, respondent was agitated,
2 belligerent, combative and verbally abusive.

3 E. On or about October 5, 2001, a complaint was filed entitled
4 *The People of the State of California v. Leslie Karen Benson*, Case No.
5 SH01SM04934, charging respondent with Count 1- violating Penal Code section
6 148(a) [resist, obstruct, or delay of peace officer].

7 F. On or about December 4, 2001, respondent pleaded guilty
8 and was convicted of Count 1 - violating Penal Code section 148(a). The
9 imposition of sentence was suspended and respondent was placed on conditional
10 probation for a period of three (3) years with terms and conditions.

11 **May 7, 2001 conviction**

12 G. On or about December 28, 2000, respondent was seen by an
13 Orange County Sheriff's Deputy walking in traffic. She appeared lethargic and
14 had a strong odor of alcohol on her breath. She was shouting and attempted to
15 walk back into traffic, but when respondent tried to stand up and walk she
16 staggered and stumbled forward. She was belligerent and again tried to walk into
17 traffic. When the deputy tried to prevent her from walking into traffic, respondent
18 pulled away and began yelling and waving her arm wildly. She was handcuffed
19 and placed in the patrol unit. She tried to kick the door and her yelling and
20 screaming was incoherent. In respondent's duffle bag, the deputy found a bottle
21 of vodka three-fourths (3/4) of which was consumed. Respondent was allowed to
22 be picked up by her father who was going to have respondent taken to an alcohol
23 treatment program.

24 H. On or about February 21, 2001, a complaint was filed in
25 Superior Court of the State of California, County of Orange, Harbor Justice
26 Center, Laguna Niguel Facility, entitled *The People of the State of California v.*
27 *Leslie Karen Benson*, Case No. SH01SM01110, charging respondent with
28 violating Count 1 - Penal Code section 647(f) [public intoxication].

1 I. On or about May 7, 2001, respondent pleaded guilty and
2 was convicted of violating Penal Code section 647(f). The imposition of sentence
3 was suspended and respondent was placed on conditional probation for a period of
4 two (2) years with terms and conditions.

5 **February 24, 1999 conviction**

6 J. On or about February 9, 1999, respondent was involved in
7 two hit-and-run accidents in Laguna Niguel. The Orange County Sheriff's
8 Department responded to the first hit-and-run accident at 1350 hours. The first
9 incident occurred when C.M. stopped his vehicle at the intersection to check for
10 approaching traffic. Respondent's vehicle came around the curve at a high rate of
11 speed hitting C.M.'s vehicle on the right side. Respondent's vehicle spun out.
12 Respondent exited the vehicle briefly and then fled in her vehicle.

13 K. When the Orange County Sheriff's Department drove to the
14 area to check involving the hit-and-run, they received a second call at 1359 hours
15 involving another hit-and-run accident involving Respondent's vehicle. The
16 driver of the second vehicle, M.S. was stopped at a redlight and when she started
17 to go, she was rear-ended by Respondent. Respondent fled the scene and ran into
18 the nearby underbrush. Respondent then jumped into a Moulton Niguel Water
19 employee's parked work truck and stated she needed help and pleaded for the
20 employee to take her home.

21 L. Upon contact with respondent, the deputies detected an
22 extremely strong odor of an alcoholic beverage. Respondent was abusive, yelled
23 obscenities and refused to sit in the patrol unit. Respondent attempted to escape
24 from the patrol unit and was extremely uncooperative and was kicking and
25 screaming. She was handcuffed and transported to the station for field sobriety
26 tests. She continued to be uncooperative and again attempted to pull away from
27 the deputy. Respondent was administered a Preliminary Alcohol Screen Test
28 which showed a blood alcohol content of .273. Respondent was so uncooperative

1 and intoxicated that the deputies were unable to complete their drug examination.
2 Respondent was administered a field sobriety test where she was to complete and
3 recite the alphabet. Respondent attempted the test five times and failed. She
4 refused to complete any further tests. Respondent was positively identified by
5 witnesses as the driver of the vehicle involved in the two hit-and-run accidents.
6 Respondent was arrested for driving under the influence of alcohol and hit-and-
7 run.

8 M. On or about February 11, 1999, a complaint was filed in
9 Superior Court of the State of California, County of Orange, South Justice Center,
10 entitled *The People of the State of California v. Leslie Karen Benson*, Case No.
11 SH99SM55354, charging respondent with Count 1 - violating Vehicle Code
12 section 23152(a) [driving under the influence of alcohol/drugs] with two priors;
13 Count 2 - violating Vehicle Code section 23152(b) [driving with blood alcohol of
14 .08% or more]; Count 3 - violating Vehicle Code section 20002(a) [hit-and-run
15 with property damage]; and Count 4 - violating Vehicle Code section 20002(a)
16 [hit-and-run with property damage].

17 N. On or about February 24, 1999, respondent pleaded guilty
18 and was convicted of all counts and admitted the prior convictions. As to Count
19 1, the imposition respondent's sentence was suspended and respondent was placed
20 on conditional sentence for a period of five (5) years with terms and conditions of
21 revocable release. As to Counts 2, 3, and 4, the imposition of respondent's
22 sentence was suspended and respondent was placed on conditional probation for a
23 period of five (5) years with terms and conditions.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 (Use/Administering of Alcohol)

26 16. Respondent is further subject to disciplinary action under Code sections
27 2239(a), and 2660(i), in that she used alcohol to an extent that the use was dangerous or injurious
28 to herself and others. The circumstances are as follows:

1 A. Complainant incorporates paragraph 15 above as if fully
2 realleged;

3 B. On or about June 3, 2004, Respondent was admitted to San
4 Clemente Hospital and Medical Center with a diagnosis of Acute Alcohol
5 Intoxication.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 (Habitual Intemperance and Addiction)

8 17. Respondent is subject to disciplinary action under Code sections 2260(i),
9 2260(f), and 2260(g), in that respondent has demonstrated habitual intemperance and addiction
10 with the excessive use of alcohol by her convictions involving alcohol; continuing to drink
11 alcohol; and discharge from diversion, as more particularly described in paragraphs 15 and 16
12 above, and 18 through 19, below, which are incorporated herein in their entirety.

13 **FIRST CAUSE TO REVOKE PROBATION**

14 (Diversion Program)

15 18. At all times after the effective date of Respondent's probation, Condition 1
16 stated:

17 Within 15 days from the effective date of this decision, respondent shall
18 enroll and participate in the Board's Diversion Program until the Board determines
19 that participation in the diversion program is no longer necessary. Failure to
20 comply with requirements of the Diversion Program, terminating the program
21 without permission or being expelled for cause shall constitute a violation of probation by
22 respondent.

23 19. Respondent's probation is subject to revocation because she failed to
24 comply with Probation Condition 1, referenced above. The facts and circumstances regarding
25 this violation are as follows:

26 A. Complainant incorporates paragraphs 13 through 17 as if
27 fully realleged.

28 ///

1 B. On or about March 4, 2001, respondent tested positive for
2 Benzodiazepines, a controlled substance, thereby failing to comply with
3 Diversion. Respondent did not have a prescription.

4 C. On or about June 8, 2001, respondent was discharged from
5 Diversion as non-compliant: failing to provide basic information necessary to
6 monitor her compliance with the Board's mandates; failing to report significant
7 relapse; failing to remain in treatment until clinically discharged; consistently
8 failing to provide accurate information about her whereabouts; and she was unable
9 to be reached for long periods of time.

10 D. On or about September 2, 2004, Respondent was again
11 terminated from Diversion for failure to derive benefit as follows:

- 12 1. On June 30, 2004, Respondent treated at San Clemente Hospital
13 and Medical Center for Acute Alcohol Intoxication;
- 14 2. On July 12, 2004, Respondent tested positive for Ethylglucuronide
(alcohol);
- 15 3. Respondent tested Out-of-Range (CREATININE) on 11 of her 34
16 CVI tests;
- 17 4. On August 10, 2004, Respondent's internist determined no
underlying medical causes for the out-of-range tests;
- 18 5. On July 20, 2004, Respondent failed to test with CVI; and
- 19 6. On July 30, 2004, Respondent failed to test with CVI..

20 **SECOND CAUSE TO REVOKE PROBATION**

21 (Obey All Laws)

22 20. At all times after the effective date of Respondent's probation, Condition 2
23 stated:

24 Respondent shall obey all federal, state and local laws, and statutes and
regulations governing the practice of physical therapy in California.

25 21. Respondent's probation is subject to revocation because she failed to
26 comply with Probation Condition 2, referenced above. The facts and circumstances regarding
27 this violation are as follows:

28 ///

1 A Paragraphs 13 through 17 are incorporated by reference as
2 if fully realleged;

3 B. On or about December 4, 2001, respondent pleaded guilty
4 and was convicted of Count 1 - violating Penal Code section 243(e)(1) [battery
5 against spouse, cohabitant, or other person];

6 C. On or about December 4, 2001, respondent pleaded guilty
7 and was convicted of Count 1 - violating Penal Code section 148(a) [resist,
8 obstruct, or delay of peace officer];

9 D. On or about May 7, 2001, respondent pleaded guilty and
10 was convicted of violating Penal Code section 647(f); and

11 E. From on or about November 5, 2002 through August 2003,
12 Respondent provided physical therapy services when her physical therapy license
13 was suspended and was compensated for those services.

14 **THIRD CAUSE TO REVOKE PROBATION**

15 (Quarterly Reports)

16 22. At all times after the effective date of Respondent's probation, Condition 5
17 stated:

18 Respondent shall submit quarterly declarations under penalty of perjury on forms
19 provided by the Board, stating whether there has been compliance with all the
20 conditions of probation.

21 23. Respondent's probation is subject to revocation because she failed to
22 comply with Probation Condition 5, referenced above. The facts and circumstances regarding
23 this violation are as follows:

24 A. Paragraphs 13 through 17 are incorporated by reference as
25 if fully realleged;

26 B. On or about April 8, 2002, Respondent refused to complete
27 a Quarterly Report;

28 ///

1 C. On or about November 25, 2002, Respondent falsely states
2 on her Quarterly Report she is not employed as a physical therapist;

3 D. On or about February 13, 2003, Respondent falsely states
4 on her Quarterly Report she is not employed as a physical therapist;

5 E. On or about May 14, 2003, Respondent falsely states on her
6 Quarterly Report she is not employed as a physical therapist; and

7 F. On or about August 10, 2003, Respondent falsely states on
8 her Quarterly Report she is not employed as a physical therapist.

9 **FOURTH CAUSE TO REVOKE PROBATION**

10 (Interview with the Board or its Designee)

11 24. At all times after the effective date of Respondent's probation, Condition 7
12 stated:

13 Respondent shall appear in person for interviews with the Board, or its
14 designee, upon request at various intervals and with reasonable notice.

15 25. Respondent's probation is subject to revocation because she failed to
16 comply with Probation Condition 7, referenced above. The facts and circumstances regarding
17 this violation are as follows:

18 On or about June 4, 2001, respondent failed to appear for a
19 scheduled interview with her probation monitor.

20 **FIFTH CAUSE TO REVOKE PROBATION**

21 (Notification of Probation Status to Employers)

22 26. At all times after the effective date of Respondent's probation, Condition 8
23 stated:

24 The respondent shall notify all present or future employers of the reason
25 for and the terms and conditions of the probation by providing a copy of the
26 accusation and the decision and order to the employer. The respondent shall
27 obtain written confirmation from the employer that the documents were received.
28 If the respondent changes, or obtains additional employment, the respondent shall
provide the above notification to the employer and submit written confirmation to
the Board within 10 days. The notification(s) shall include the name, address, and
phone number of the employer, and, if different, the name, address and phone
number of the work location.

1 27. Respondent's probation is subject to revocation because she failed to
2 comply with Condition 8, referenced above. The facts and circumstances regarding this violation
3 are as follows:

4 A. Paragraph 13 is incorporated by reference as if fully
5 realleged.

6 B. Respondent failed to notify her employer, B.A. (Monarch),
7 that she was on probation with the Board.

8 **SIXTH CAUSE TO REVOKE PROBATION**

9 28. At all times after the effective date of Respondent's probation, Condition 9
10 stated:

11 The respondent shall notify the Board, in writing, of any and all changes of
12 name or address within ten days.

13 29. Respondent's probation is subject to revocation because she failed to
14 comply with Probation Condition 9, referenced above. The facts and circumstances regarding
15 this violation are as follows:

16 On or about October 19, 2001, respondent met with her probation
17 monitor. During this meeting, respondent told her probation monitor she moved
18 in September to a new address of 426 Monterey, #A, San Clemente, CA 92672.
19 Respondent failed to notify the Board in writing of this change of address.

20 **NINTH CAUSE TO REVOKE PROBATION**

21 (Restriction of Practice - Temporary Services)

22 30. At all times after the effective date of Respondent's probation, Condition
23 10 stated:

24 Respondent shall not engage in solo practice, but may practice or
25 perform physical therapy in a structured environment under the supervision of a
26 licensed physical therapist. Respondent shall work for no more than two
27 temporary services agencies or registries. This restriction shall be lifted if, at any
28 time during the period of probation, respondent is cleared for solo practice by the
Board's Diversion Program by written notice to the Board; or, respondent is
cleared for solo practice through a written evaluation from a licensed psychiatrist
or psychologist with expertise in alcohol and drug addiction who is approved for

1 this purpose in writing by the Board's Diversion Program prior to the evaluation, and said
2 written evaluation is provided to the Board.

3 31. Respondent's probation is subject to revocation because she failed to
4 comply with Probation Condition 10, referenced above. The facts and circumstances regarding
5 this violation are as follows:

6 A. Paragraph 13 is incorporated by reference as if fully
7 realleged; and

8 B. From on or about January 5, 2002, through October 5,
9 2002, Respondent was employed by Monarch as a contract employee and
10 provided physical therapy services while unsupervised.

11 PRAYER

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein
13 alleged, and that following the hearing, the Physical Therapy Board of California issue a
14 decision:

15 1. Revoking the probation that was granted by the Physical Therapy Board of
16 California in Case No. D1 1998-62206 and consolidated with Case No. 1D 2004 63769 imposing
17 the disciplinary order that was stayed thereby revoking Physical Therapist License No. PT 15197
18 issued to Leslie K. Benson;

19 2. Revoking or suspending Physical Therapist License No. PT 15197, issued
20 to Leslie K. Benson;

21 3. Ordering Leslie K. Benson to pay the Physical Therapy Board of
22 California the reasonable costs of the investigation and enforcement of this case, pursuant to
23 Business and Professions Code section 2661.5; and

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. Taking such other and further action as deemed necessary and proper.

DATED: December 3, 2004 .

Original Signed By: _____
STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant

03575160-SD01 0764
dat\pt\benson-2DAMENDEDEACC
80040620.wpd